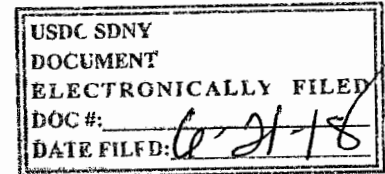


# MorrisonCohen<sub>LLP</sub>

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## MEMO ENDORSED

June 14, 2018



### BY E-FILEING AND HAND DELIVERY

The Honorable Lewis A. Kaplan  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

RE: *Yukos Capital S.A.R.L, et al. v. Feldman*, No. 15 civ. 4964 (LAK) (S.D.N.Y.)

Dear Judge Kaplan:

We represent the Plaintiffs in the above-captioned action and write to advise the Court of a development in the case and to seek leave to file a joint amended Pre-Trial Order. This case is scheduled for trial on November 6, 2018.

On July 13, 2017, Plaintiffs moved for permission to file a Second Amended Complaint asserting claims on behalf of Plaintiffs Yukos Capital S.A.R.L. ("Yukos Capital") and Yukos Hydrocarbons Investments Limited ("YHIL") for damages resulting from a scheme whereby Defendant David Feldman ("Feldman") facilitated the payment of over \$3,000,000 in kick-backs by a bank with which the Plaintiffs did business, Julius Baer & Co. Ltd. ("Julius Baer"), to Feldman's accomplice. The Court granted the motion, and Plaintiffs filed the Second Amended Complaint. (Dkt. # 323). The parties subsequently took discovery on the new allegations, including document discovery, fact-witness depositions, and the exchange of expert reports.

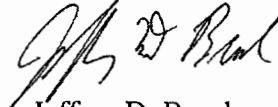
We are writing now to inform the Court that Plaintiffs Yukos Capital and YHIL have reached a confidential financial settlement with Julius Baer. As a result of this settlement, Plaintiffs will no longer seek to recover from Feldman as damages in this action the amounts paid by Julius Baer as putative "finder's fees." Plaintiffs, however, still intend to offer at trial evidence of Feldman's facilitation of the illicit scheme, as the same is relevant to Plaintiffs' breach-of-fiduciary-duty claim seeking disgorgement of compensation paid to Feldman during the period of his disloyalty pursuant to the Faithless Servant Doctrine.

Due to the addition to the case of the claims raised in the Second Amended Complaint and the settlement with Julius Baer, as well as the court's decisions on the parties' respective summary judgment motions, the Pre-Trial Order filed prior to these events should be amended. Insofar as the trial is to begin on November 6, 2018, we respectfully request that the parties be ordered to submit a joint amended Pre-Trial Order (and proposed jury instructions as necessary) by September 14, 2018.

MorrisonCohen<sub>LLP</sub>

The Honorable Lewis A. Kaplan  
June 14, 2018  
Page 2

Respectfully submitted,



Jeffrey D. Brooks

cc: Rishi Bhandari, Esq. (counsel for Defendant) (by e-filing)  
Glen Summers, Esq. (co-counsel for Plaintiff Marc Fleischman) (by e-filing)

Granted. The  
Clerk shall transmit also  
DI 385, which is a  
duplicate of this letter.

SO ORDERED.



LEWIS A. KAPLAN, USDJ

6/21/18